

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DELWIN PAUL CALFLOOKING,

Defendant.

CR-19-42-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on November 29, 2022. (Doc. 54.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on November 28, 2022. (Doc. 50.) The United States accused Delwin Paul Calflooking (Calflooking) of violating his conditions of supervised release 1) by failing to report for substance abuse

testing on 4 separate occasions; 2) by failing to report for substance abuse treatment on 3 separate occasions; and 3) by failing to allow his probation officer to conduct a home visit. (Doc. 48.)

At the revocation hearing, Calflooking admitted to violating the conditions of his supervised release by 1) by failing to report for substance abuse testing on 4 separate occasions; and 2) by failing to report for substance abuse treatment on 3 separate occasions. Calflooking denied alleged violation 8 and Judge Johnston found that the government failed to satisfy its burden of proof with respect to alleged violation 8. (Doc. 50.) Judge Johnston found that the violations Calflooking admitted proved to be serious and warranted revocation, and recommended revocation of Calflooking's supervised release and recommended that Calflooking receive a custodial sentence of 5 months, no supervised release to follow. (Doc. 54.) Calflooking was advised of his right to appeal and his right to allocute before the undersigned and he waived those rights. (Doc. 50.) The violations prove serious and warrant revocation of Calflooking's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 54) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Delwin Paul Calflooking be sentenced to the Bureau of Prisons for 5 months, with no supervised release to follow.

DATED this 29th day of November, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court